IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22944 of 2004

Between:

Gajjala Gyaneshwar S/o G. Nagaiah
R/o H. No. 1-2-93, Ward No.2, Sirpur Khagznagar, Adilabad District

..... PETITIONER

AND

1 The Sub Collector, Asifabad, Adilabad District
2 The Mandal Revenue Officer, Kaghaznagar Mandal, Adilabad District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ in the nature of Writ of Mandmaus or any other appropriate writ or writs, order or Direction, declaring the proceedings dt 3-12-2004 in Proc. No. C/62/2004-2 on the file of the first respondent, as illegal, arbitrary, without jurisdiction, discriminatory and contrary to the provisions of the A.P. State Public Distribution System control order, 2001 and consequently direct the Respondents to forthwith renew the authorisation of the petitioner pursuant to the application made by him on 8-3-2004 award costs and pass such other or further orders as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.K.RAGHUVEER REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

Petitioner was dealer of fair price shop No.10 at Sirpur Kagaznagar. A show cause notice dated 26.10.2004 was issued to him directing to explain as to why the dealership should not be cancelled, on the ground that he is running another shop. The petitioner submitted his explanation narrating the circumstances under which the shop was established. Taking the same into account, the first respondent cancelled the dealership of the petitioner through order dated 03.12.2004. The same is challenged in this writ petition.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

Against the order of cancellation, an appeal is provided to the Joint Collector under Clause 20 of the A.P. Public Distribution System Control Order, 2001. Interference with the orders of cancellation in writ petitions filed without exhausting the remedy of appeal, is almost uncommon, except where the cancellation was not preceded by any notice or enquiry.

In that view of the matter, the writ petition is dismissed, leaving it open to the petitioner to avail the remedy of appeal. No order as to costs.

10.12.2004

ksld

To

1 The Sub Collector, Asifabad, Adilabad District
2 The Mandal Revenue Officer, Kaghaznagar Mandal, Adilabad District

3 Two C.Cs. to the Government Pleader for Civil Supplies, High Court

Buildings, A.P., Byderabad.

4 Two C.D. Copies.